

REMARKS

I. Overview

Claims 1-16 are pending in the present application. Applicants respectfully request reconsideration of the claims in view of the following remarks.

The issues raised by the Examiner in the current Office Action dated March 31, 2008 (*Office Action*) are as follows:

- Claims 1, 11-15 and 16 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Patent Publication No. 2001/0015732 to Ehrhardt, et al. (hereinafter “Ehrhart”) in view of U.S. Patent Publication No. 2003/0036873 to Sierer, et al. (hereinafter “Sierer”);
- Claims 2, 3 and 6 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Ehrhardt as modified by Sierer and further in view of U.S. Patent Publication No. 2003/0163519 to Kegel, et al. (hereinafter “Kegel”);
- Claim 4 has been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Ehrhardt as modified by Sierer and in further view of U.S. Patent No. 6,931,546 to Kouznetsov, et al. (hereinafter “Kouznetsov”);
- Claim 5 has been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Ehrhardt as modified by Sierer and in further view of U.S. Patent Publication No. 2003/0037326 to Burkhardt, et al. (hereinafter “Burkhardt”);
- Claim 7 has been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Ehrhardt as modified by Sierer and in further view of U.S. Patent No. 6,151,567 to Ames, et al. (hereinafter “Ames”);
- Claims 8 and 9 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Ehrhardt as modified by Sierer and in further view of U.S. Patent Publication No. 2002/0103937 to Tillman, et al. (hereinafter “Tillman”); and
- Claim 10 has been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Ehrhardt as modified by Sierer and in further view of U.S. Patent No. 6,523,027 to Underwood (hereinafter “Underwood”).

In response, Applicant respectfully traverses the outstanding claim rejections and requests reconsideration and withdrawal in light of the amendments and remarks presented herein.

II. Claim Rejection – 35 U.S.C. § 103

The present invention provides a system and method for allowing new functionalities to be used in a protocol tester, in addition to functionalities provided by the original manufacturer,

without requiring a renewed compilation and linking of the DLLs involved. The additional functionalities may be created by the user or a specialist, such as by the manufacturer. The additional functionalities, and the manufacturer's original functionalities, are represented by graphic symbols that are used to set up communication procedures. The additional functionalities are selected in the same manner as the manufacturer's original functionalities using the graphic symbols.

Claim 1 recites a method of setting up procedures in a protocol tester using the additional functionalities. In particular, the additional functionalities are implemented by:

- creating a configuration file which is read in and interpreted at the time of the setting-up the communication procedure between the instances and from which is generatable at compile time an associated code; and
- entering information into the configuration file including
 - a call name of an additional functionality in the executable code,
 - a display form correlating with the additional functionality on a display on which it may be selected, and
 - information on the description file which contains the executable source code of the additional functionality.

Claim 16 recites the elements of a protocol tester, including:

- means for creating a configuration file which may be read in and interpreted at the time of the setting-up of the communication procedure between the instances and from which is generatable at compile an associated code; and
- means for entering information into the configuration file including
 - a call name of an additional functionality in the executable code,
 - a display form correlating with the additional functionality on a display on which it may be selected, and
 - information on the description file which contains the executable source code of the additional functionality.

The Office Action cites the Sierer reference as teaching these features of claims 1 and 16. (Office Action at 4-5).

Sierer discloses a system and method for online configuration of a measurement system (Abstract). Sierer teaches a self-executing program file that operates to configure a client computer and measurement devices. ([0031]). There is no teaching or suggestion in Sierer that the self-executing program includes additional functionality that may be selected as required in the pending claims. Moreover, there is no teaching or suggestion that Sierer's self-executing

program provides a display form or graphic symbol correlated to an additional functionality. Instead, the self-executing program merely configures the Sierer measurement equipment.

Sierer further teaches a measurement task wizard that leads a user through a measurement task specification process. ([0167]). There is no teaching or suggestion in Sierer that the measurement task wizard includes additional functionality that may be selected as required in the pending claims. Moreover, there is no teaching or suggestion that Sierer's measurement task wizard provides a display form or graphic symbol correlated to an additional functionality. Instead, the measurement task wizard merely configures the Sierer measurement equipment. There is also no teaching or suggestion in Sierer to combine the self-executing program with the measurement task wizard. These programs essentially perform the same configuration function and if one is present, there is no reason to use the other.

Sierer also discloses a method for creating a program file, such as a hardware configuration program, to perform a user-selected task. ([0226]). A description file identifying task resources and features is generated. (*Id.*) A graphical code, such as G code, is generated from the description file. (*Id.*) HDL code is generated from the graphical code. (*Id.*) Finally, a program binary code is generated from the HDL code. (*Id.*) Sierer does not teach that the program binary code includes additional functionality that may be selected as required in the pending claims. Furthermore, although a graphical code is used in one step of the process for generating the program binary code, there is no teaching or suggestion that the graphic code or a display form is correlated to an additional functionality. The final program binary code does not include the graphical code that is used during the creation of the program file. There is also no teaching or suggestion in Sierer to combine the graphical code with the self-executing program or the measurement task wizard. These programs essentially perform the same configuration function and if one is present, there is no reason to use the other.

Accordingly, even if the various measurement task configuration programs and wizards were combined, they would not provide a system or method for adding additional functionality. Moreover, the proposed combination of Sierer's measurement configuration programs and wizards does not teach or suggest the use of a display form that is correlated to the additional functionality.

Claims 2-15 depend from independent claim 1 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

In view of the above, Applicant respectfully submits that the application is in condition for allowance and request that the Examiner pass the case to issuance. If the Examiner should have any questions, Applicant requests that the Examiner please contact Applicant's attorney at the address below. In the event that the enclosed fees are insufficient, please charge any additional fees required to keep this application pending, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

August 29, 2008

Date

/Michael J. Fogarty, III/

Michael J. Fogarty, III
Attorney for Applicant
Reg. No. 42,541

SLATER & MATSIL, L.L.P.
17950 Preston Rd., Suite 1000
Dallas, Texas 75252
Tel.: 972-732-1001
Fax: 972-732-9218